

Prob 12 (10/09)

**UNITED STATES DISTRICT COURT**  
**for the**  
**EASTERN DISTRICT OF VIRGINIA**

U.S.A. vs. Ian Gale Docket No. 1:13mj326

**Petition on Probation**

COMES NOW Elissa F. Martins, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Ian Gale, who was placed on supervision by the Honorable T. Rawles Jones, Jr., United States Magistrate Judge sitting in the Court at Alexandria, Virginia, on the 15<sup>th</sup> day of January 2013, who fixed the period of supervision at one (1) year, and imposed the general terms and conditions heretofore adopted by the Court and also imposed special conditions and terms as follows:

-See Page 2-

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

See Attachment(s)

**PRAYING THAT THE COURT WILL ORDER** a summons to be issued directing that the offender appear before the Court to show cause why supervision should not be revoked.

Returnable Date: \_\_\_\_\_

*Issue Warrant - NCIC*

**ORDER OF COURT**

Considered and ordered this 11<sup>th</sup> day of September, 2014, and ordered filed and made a part of the records in the above case.

/s/Thomas Rawles Jones, Jr.

U.S. Magistrate Judge

T. Rawles Jones, Jr.  
 United States Magistrate Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9/9/14

Elissa F. Martins

Elissa F. Martins  
 U.S. Probation Officer  
 (703) 299-2309

Place Alexandria, Virginia

**TO CLERK'S OFFICE**

**Petition on Probation**

**Page 2**

**RE: Gale, Ian**

**OFFENSE:** Driving While Intoxicated

**SENTENCE:** On January 15, 2013, the defendant was placed on supervised probation for a period of one (1) year, with the following special conditions: 1) The defendant shall enter and successfully complete an alcohol education program as directed; 2) The defendant shall not operate a motor vehicle anywhere in the United States for a period of one (1) year except: a) to, from and as directly required by the defendant's employment, b) to and from the probation office, c) to and from the alcohol program, d) to and from this court, e) to and from scheduled classes, to and from medical appointments, and g) to and from Pennsylvania one time only that must be approved in advance by the probation officer; 3) The defendant shall not violate any local, state or federal traffic law; and 4) The defendant shall pay the \$100 fine, \$10 special assessment fee, and \$25 processing fee within 90 days.

On November 21, 2013, Your Honor amended the defendant's conditions of supervision to include: 1) Defendant shall not attempt to obtain a motor vehicle operator's license; and 2) Defendant shall not operate a motor vehicle anywhere in the United States (a "moped" is not covered by this condition). It was further ordered that the defendant's probation is extended by one additional year, which shall be unsupervised.

**ADJUSTMENT TO SUPERVISION:** Mr. Gale's previous adjustment on active supervision was poor. This officer submitted a Violation Report to the Court on February 5, 2013, requesting no action be taken at that time, outlining that Mr. Gale submitted a positive urine screen for the use of marijuana on January 29, 2013. Your Honor approved the request for no action on February 11, 2013.

On May 30, 2013, the undersigned submitted a Petition on Probation relating the defendant was in violation of his supervision. On May 31, 2013, Your Honor issued a warrant for the defendant's arrest. On June 5, 2013, Mr. Gale self-surrendered on the warrant. He appeared before Your Honor on that date and was released on his personal recognizance with the violation hearing continued to June 11, 2013. On June 11, 2013, Mr. Gale appeared before Your Honor for a hearing on violation. Your Honor found Mr. Gale in violation of his supervision and continued him on supervision with the following modification of special conditions: 1) The defendant shall serve a period of six (6) days incarceration that can be served on an intermittent basis, at least three (3) days at a time.

On October 3, 2013, the undersigned submitted another Petition on Probation to Your Honor relating the defendant was in violation of his supervision. On October 7, 2013, Your Honor issued a warrant. On October 9, 2013, Mr. Gale self-surrendered and appeared before the Honorable Ivan D. Davis, U.S. Magistrate Judge, for an initial appearance. The defendant was remanded to the custody of the U.S. Marshals Service pending a Detention Hearing before Your Honor on October 11, 2013. On October 11, 2013, Mr. Gale appeared before Your Honor, at which time he was released on the same conditions of probation previously imposed. There were two additional addenda petitions submitted to Your Honor for violations. Mr. Gale appeared before Your Honor on November 21, 2013. At that time, his supervision was modified to unsupervised probation and extended as outlined above.

**Petition on Probation**

**Page 3**

**RE: Gale, Ian**

**VIOLATIONS:** The following violations are submitted for the Court's consideration.

**MANDATORY CONDITION: COMMISSION OF A CRIME – DRIVING UNDER THE INFLUENCE, 2<sup>ND</sup> IN 5 YEARS; AND DRIVING ON SUSPENDED DUI RELATED.**

On September 2, 2014, Mr. Gale was arrested by the Fairfax County Police Department and charged with Driving Under the Influence, 2<sup>nd</sup> in Five Years, and Driving on Suspended DUI Related. This matter is scheduled to be heard before the Fairfax County General District Court on November 25, 2014.

According to the Fairfax County Police report, Officer Marcotte observed the defendant driving a red moped going west bound on Arlington Boulevard. The moped was not registered, and Officer Marcotte pulled the defendant over. During the traffic stop, Mr. Gale reportedly told Officer Marcotte that he was coming from a friend's home and had been smoking marijuana, and told the officer that he was "very, very high." Officer Marcotte checked Virginia DMV code and determined that subjects could not operate mopeds when suspended on DUI related charges. Based on this information, Mr. Gale was arrested for the above-noted charges. The defendant was released on a \$2,500 unsecured bond and his moped was impounded.

EFM/vlh